

Senate Engrossed House Bill

FILED

**MICHELE REAGAN
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 249

HOUSE BILL 2548

AN ACT

AMENDING SECTIONS 13-2906, 15-1861 AND 15-1864, ARIZONA REVISED STATUTES;
RELATING TO PUBLIC ASSEMBLY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2906, Arizona Revised Statutes, is amended to
3 read:

4 13-2906. Obstructing a highway or other public thoroughfare:
5 classification; definition

6 A. A person commits obstructing a highway or other public thoroughfare
7 if the person, alone or with other persons, does ~~either~~ ANY of the following:

8 1. Having no legal privilege to do so, recklessly interferes with the
9 passage of any highway or public thoroughfare by creating an unreasonable
10 inconvenience or hazard.

11 2. Intentionally activates a pedestrian signal on a highway or public
12 thoroughfare if the person's reason for activating the signal is not to cross
13 the highway or public thoroughfare but to do both of the following:

14 (a) Stop the passage of traffic on the highway or public thoroughfare.

15 (b) Solicit a driver for a donation or business.

16 3. AFTER RECEIVING A VERBAL WARNING TO DESIST, INTENTIONALLY
17 INTERFERES WITH PASSAGE ON A HIGHWAY OR OTHER PUBLIC THOROUGHFARE OR ENTRANCE
18 INTO A PUBLIC FORUM THAT RESULTS IN PREVENTING OTHER PERSONS FROM GAINING
19 ACCESS TO A GOVERNMENTAL MEETING, A GOVERNMENTAL HEARING OR A POLITICAL
20 CAMPAIGN EVENT.

21 B. Obstructing a highway or other public thoroughfare UNDER SUBSECTION
22 A, PARAGRAPH 3 OF THIS SECTION is a class 1 MISDEMEANOR. OBSTRUCTING A
23 HIGHWAY OR OTHER PUBLIC THOROUGHFARE UNDER SUBSECTION A, PARAGRAPH 1 OR 2 OF
24 THIS SECTION IS A CLASS 3 misdemeanor.

25 C. FOR THE PURPOSES OF THIS SECTION, "PUBLIC FORUM" HAS THE SAME
26 MEANING PRESCRIBED IN SECTION 15-1861.

27 Sec. 2. Section 15-1861, Arizona Revised Statutes, is amended to read:

28 15-1861. Definitions

29 In this article, unless the context otherwise requires:

30 1. "Community college" has the same meaning prescribed in section
31 15-1401.

32 2. "Public forum" includes BOTH A TRADITIONAL PUBLIC FORUM, WHICH IS
33 any open, outdoor area on the campus of a university or community college,
34 and A DESIGNATED PUBLIC FORUM, WHICH IS any ~~facilities, buildings~~ FACILITY,
35 BUILDING or ~~parts~~ PART of ~~buildings~~ A BUILDING that the university or
36 community college has opened to students or student organizations for
37 expression.

38 3. "University" means a university under the jurisdiction of the
39 Arizona board of regents.

40 Sec. 3. Section 15-1864, Arizona Revised Statutes, is amended to read:

41 15-1864. Students' right to speak in a public forum; court
42 actions

43 A. A university or community college shall not restrict a student's
44 right to speak, including verbal speech, holding a sign or distributing
45 fliers or other materials, in a public forum.

1 B. A university or community college may restrict a student's speech
2 in a public forum only if it demonstrates that application of the burden to
3 the student is both:

4 1. In furtherance of a compelling governmental interest.

5 2. The least restrictive means of furthering that compelling
6 governmental interest.

7 C. THE FOLLOWING PERSONS MAY BRING AN ACTION IN A COURT OF COMPETENT
8 JURISDICTION TO ENJOIN ANY VIOLATION OF THIS SECTION OR TO RECOVER REASONABLE
9 COURT COSTS AND REASONABLE ATTORNEY FEES:

10 1. THE ATTORNEY GENERAL.

11 2. A STUDENT WHOSE EXPRESSIVE RIGHTS WERE VIOLATED BY A VIOLATION OF
12 THIS SECTION.

13 D. IN AN ACTION BROUGHT UNDER SUBSECTION C OF THIS SECTION, IF THE
14 COURT FINDS THAT A VIOLATION OF THIS SECTION OCCURRED, THE COURT SHALL AWARD
15 THE AGGRIEVED PERSON INJUNCTIVE RELIEF FOR THE VIOLATION AND SHALL AWARD
16 REASONABLE COURT COSTS AND REASONABLE ATTORNEY FEES.

17 E. A PERSON SHALL BRING AN ACTION FOR A VIOLATION OF THIS SECTION
18 WITHIN ONE YEAR AFTER THE DATE THE CAUSE OF ACTION ACCRUES. FOR THE PURPOSE
19 OF CALCULATING THE ONE-YEAR LIMITATION PERIOD, EACH DAY THAT THE VIOLATION
20 PERSISTS OR EACH DAY THAT A POLICY IN VIOLATION OF THIS SECTION REMAINS IN
21 EFFECT CONSTITUTES A NEW VIOLATION OF THIS SECTION AND SHALL BE CONSIDERED A
22 DAY THAT THE CAUSE OF ACTION HAS ACCRUED.

APPROVED BY THE GOVERNOR MAY 16, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2016.

Passed the House March 2, 2016

by the following vote: 42 Ayes,

16 Nays, 2 Not Voting

[Signature]
Speaker of the House

☐ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate May 6, 2016

by the following vote: 17 Ayes,

11 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2548

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 7, 2016,

by the following vote: 32 Ayes,

23 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2016,

at 3:33 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 16th day of

May, 2016,

at 9:58 o'clock A. M.

[Signature]
Governor of Arizona

H.B. 2548

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16th day of May, 2016,

at 3:35 o'clock P M.

[Signature]
Secretary of State